IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20017 of 2002

Between:

Gulam Jabbar son of Gulam Dastagiri
aged 59 years, resident of Hyderabad.

..... PETITIONER

AND

The Hyderabad District Co-operative Central
Bank Limited, represented by its Chairman

Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order, direction, especially one in the nature of Writ of Mandamus declaring that the action of the respondent in not releasing the Gratuity encashment of salary to the petitioner as illegal, arbitrary and discriminatory, violative of Article 14,16 and 21 of the Constitution of India and further declare that the petitioner is entitled to be paid gratuity, leave salary.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondent: MR.R.RADHA KRISHNA REDDY

The Court made the following:

ORDER

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The main grievance of the petitioner is against the inaction on the part of the respondent in making payment towards gratuity.

Pursuant to the interim direction of this Court, the petitioner has been paid 50% of the gratuity and the other amount appears to have been kept in the fixed deposit. It is needless to mention that the petitioner would be entitled to interest on such deposit.

Having regard to the principles laid down by this Court in a Judgment reported in ***T. Prabhakar Rao v Registrar of Co-operative Societies, Government of A.P.,*** there cannot be any justification to withhold the gratuity amount.

The learned counsel for the respondent submits that some payment was made to the petitioner.

In the circumstances, the Writ Petition is allowed directing the respondent to pay the balance of gratuity amount to the petitioner within a period of four weeks from the date of receipt of a copy of this order and the petitioner is also entitled not only the amount already deposited under fixed deposit but also the interest accrued thereon. No costs.

14-12-2004.

Hsd

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, the Fourteenth day of December, 2004.

Asst. Registrar.

To

1.The Chairman, The Hyderabad District Co-operative
Central Bank Limited, Hyderabad.

2. 2 CD copies.